

CDR 1/3/17 ✓

# Wetlands Bureau Decision Report

Decisions Taken  
12/26/2016 to 01/01/2017

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

Any party aggrieved by a decision may file an appeal within 30 days of the date of this decision as specified in RSA 482-A:10, RSA 21-O:14, and the rules adopted by the Wetlands Council, Env-WtC 100-200.

The appeal must be filed directly with the Council, c/o the Council Appeals Clerk, who may be contacted at (603) 271-6072 or at [appeals@des.nh.gov](mailto:appeals@des.nh.gov). The notice of appeal must set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the council.

**2016-03568                      BEST, NICHOLAS**  
**FRANCONIA   Unnamed Stream**

COMPLETE NOTIFICATION:  
Franconia Tax Map #29, Lot #20 and 20-1

**2016-03577                      BAYROOT LLC**  
**ATK GIL GRANT   Unnamed Stream**

COMPLETE NOTIFICATION:  
Atk. Gil. Grant Tax Map #1628, Lot #2

**2016-03578                      NH AUDUBON SOCIETY**  
**DEERING   Unnamed Stream**

COMPLETE NOTIFICATION:  
Deering Tax Map #204, Lot #11.1 and Tax Map #211, Lot # 1 and 3

**2016-03580                      STATE OF NH DOT**  
**LONDONDERRY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Londonderry Tax Map #14, Lot #21-13

**2016-03581                      THE HARRIS CENTER FOR CONSERVATION EDUCATION**  
**NELSON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Nelson Tax Map #405, Lot # 8;9

**2016-03582                      GREEN ACRE WOODLANDS INC**  
**HEBRON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Hebron Tax Map #17, Lot #1-1

**EXPEDITED MINIMUM**

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**2016-00349                      EXETER MILLS LLC**  
**EXETER   Squamscott River**

Requested Action:

Maintenance, repair, and replacement in-kind of existing docking structures, such as breakwaters, docks, tie-off pilings, provided no change in location, configuration, construction type, or dimensions is proposed in accordance with plans dated November 01, 2016.

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PBN IS COMPLETE:

Maintenance, repair, and replacement in-kind of existing docking structures, such as breakwaters, docks, tie-off pilings, provided no change in location, configuration, construction type, or dimensions is proposed in accordance with plans dated November 01, 2016.

**2016-03569                      LAURIE DESROSIER REVOCABLE TRUST**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Maintenance, repair, and replacement in-kind of existing docking structures, such as breakwaters, docks, tie-off pilings, provided no change in location, configuration, construction type, or dimensions is proposed in accordance with plans dated December 20, 2016.

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PBN IS COMPLETE:

Maintenance, repair, and replacement in-kind of existing docking structures, such as breakwaters, docks, tie-off pilings, provided no change in location, configuration, construction type, or dimensions is proposed in accordance with plans dated December 20, 2016.

**2016-03571                      UTOPIA/LONG ISLAND LAND CO LLC**  
**HOLDERNESS   Squam Lake**

Requested Action:

Disqualify PBN to repair existing docking structures on Squam Lake.

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PBN DISQUALIFIED:

Disqualify PBN to repair existing docking structures on Squam Lake.

With Findings:

1. In accordance with Rule Env-Wt 304.04(v) a repair of existing structures must be in kind with no change in dimensions or configuration.
2. The applicant did not submit information indicating a structure with similar dimensions as the proposed conditions plan. The department could not find information supporting a previous structure meeting the dimensions proposed.
3. It appears the plan is to place fill in public waters to connect two islands together and not a repair of an existing docking structure.

**CSPA PERMIT**

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**2016-03034                      294 CASTLE SHORE ROAD REALTY TRUST**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Impact 3,435 sq. ft. of protected shoreland in order to construct a residential primary structure.

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**APPROVE PERMIT:**

Impact 3,435 sq. ft. of protected shoreland in order to construct a residential primary structure.

**With Conditions:**

1. All work shall be in accordance with plans by Monadnock Survey, Inc. revised December 10, 2016 and received by the NH Department of Environmental Services (DES) on December 13, 2016.
2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
3. No more than 11.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Native vegetation within an area of at least 4,701 sq. ft., which includes the wetland areas shown on the approved plan, within the Natural Woodland Buffer located between 50 and 150 ft. landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
12. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2016-03192**

**CASPIAN PROPERTIES LLC**

**RYE Atlantic Ocean**

**Requested Action:**

Impact 2,912 sq. ft. of protected shoreland in order to construct a building addition with attached deck, underground propane tank, air conditioning units, landscape areas, and to replace existing driveway with pervious driveway in new configuration.

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**APPROVE PERMIT:**

Impact 2,912 sq. ft. of protected shoreland in order to construct a building addition with attached deck, underground propane tank, air conditioning units, landscape areas, and to replace existing driveway with pervious driveway in new configuration. per plans received on 12/07/2016.

**With Conditions:**

1. All work shall be in accordance with plans by MSC Engineers dated 12/7/2016 and received by the NH Department of Environmental Services (DES) on 12/15/2016.

waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

13. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

14. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. The applicant has provided evidence that the infiltration trench will be adequate to address the run-off associated with a 10-year, 24-hour storm event as required per RSA 483-B:9, V, (g), (1).
2. Each segment of the waterfront buffer meets the minimum tree and sapling score as required per RSA 483-B:9, V, (g), (3).

**2016-03332                      DREW, ROBERT/LISA**  
**WINDHAM   Cobbett's Pond**

Requested Action:

Impact 8,477 sq. ft. of protected shoreland in order to raze an existing primary structure and conduct site grading, construct a residential primary structure, septic system, pervious driveway and walkways, and install 4 drywells.

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APPROVE PERMIT:

Impact 8,477 sq. ft. of protected shoreland in order to raze an existing primary structure and conduct site grading, construct a residential primary structure, septic system, pervious driveway and walkways, and install 4 drywells.

With Conditions:

1. All work shall be in accordance with revised plans by Edward N. Hebert Associates, Inc. dated November 2016 and received by the NH Department of Environmental Services (DES) on December 19, 2016.
2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 23.11% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The 4 proposed drywells shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
10. Photographs documenting the construction of the 4 proposed drywells shall be submitted to the Department prior to any party taking up occupancy of the new residential primary structure.
11. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

septic system, and new driveway area.

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**APPROVE PERMIT:**

Impact 5,000 sq. ft. of protected shoreland in order to remove a shed, portions of a driveway, and a walkway, construct a garage and septic system, and new driveway area.

**With Conditions:**

1. All work shall be in accordance with plans by Ames Associates dated November 10, 2016 and received by the NH Department of Environmental Services (DES) on December 1, 2016.
2. The proposed septic system shall not be constructed until the system is approved by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 48.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Native vegetation within an area of at least 2,385 sq. ft. within the Natural Woodland Buffer located between 50 and 150 ft. landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2016-03376                      BUCKLEY-ABBOTT LLC**  
**MERRIMACK   Souhegan River**

**Requested Action:**

Impact 923 sq. ft. of protected shoreland in order to expand a commercial primary structure and install a stormwater infiltration trench.

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**APPROVE PERMIT:**

Impact 923 sq. ft. of protected shoreland in order to expand a commercial primary structure and install a stormwater infiltration trench.

**Waiver Granted:** The requirement to restore the Waterfront Buffer vegetation per RSA 483-B:9, V, (g), (3) where construction will result in more than 30% impervious surface coverage is waived.

**With Conditions:**

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated September 26, 2016 and received by the NH Department of Environmental Services (DES) on December 1, 2016.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated November 9, 2016 and received by the NH Department of Environmental Services (DES) on December 5, 2016.
2. Neither the primary structure addition nor the proposed septic system may be constructed until the system is approved by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. The shed and gravel parking area shall be removed and restored prior to the construction of any new structures.
5. No more than 24.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
6. Native vegetation within an area of at least 2,792 sq. ft. within the Natural Woodland Buffer located between 50 and 150 ft. landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2016-03411                      KUGEL, THOMAS  
EATON Round Pond

Requested Action:

Impact 13,528 sq. ft. of protected shoreland in order to construct a residential primary structure, garage, septic system, and associated structures.

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APPROVE PERMIT:

Impact 13,528 sq. ft. of protected shoreland in order to construct a residential primary structure, garage, septic system, and associated structures.

With Conditions:

1. All work shall be in accordance with plans by Briggs Land Surveying dated September 3, 2016 and received by the NH Department of Environmental Services (DES) on December 7, 2016.
2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 9.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.